

State of Wisconsin



2021 Assembly Bill 883

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

AN ACT *to renumber and amend* 108.04 (2) (a) 4., 108.04 (15) (a) 2., 108.05 (3) (a) and 108.13 (4) (a) 4.; *to consolidate, renumber and amend* 108.04 (15) (a) (intro.) and 1.; *to amend* 20.445 (1) (aL), 20.445 (1) (gd), 20.445 (1) (nd), 40.02 (22) (b) 3., 40.65 (5) (b) 2., 49.147 (3) (ac) 2., 49.163 (3) (a) 3. c., 71.67 (7) (title), 105.01 (1) (b) 1., 105.115 (2) (b), 105.115 (2) (c), 105.115 (3) (a) 1., 105.115 (4) (b) 1., 105.115 (4) (b) 3., 106.11, 106.13 (2), 106.38 (3) (c) 3., 108.04 (2) (a) 3., 108.04 (12) (b), 108.133 (2) (a) (intro.), 108.133 (2) (am), 108.14 (1), 108.141 (1) (b) 3., 108.142 (1) (h) 3., 108.19 (1m), 111.39 (4) (c), 230.43 (4), 230.85 (3) (d) and 779.01 (2) (am); *to repeal and recreate* chapter 108 (title); and *to create* 15.223 (2), 106.113, 106.28, 108.01 (2m), 108.013, 108.02 (21r), 108.04 (2) (a) 4. c., 108.04 (2) (a) 5., 108.04 (15) (a) 2. b., 108.04 (15) (am), (an) and (ao), 108.05 (3) (a) 3., 108.14 (8o) and 108.14 (30) of the statutes; **relating to:** various changes to the unemployment insurance law, a grant program for hiring qualified long-term unemployment recipients, allocation of federal American Rescue Plan Act of 2021 funding for certain purposes, the state plan under the federal Workforce Innovation and Opportunity Act of 2014, federal Reemployment Services and Eligibility Assessment grants, employment outcome data reporting, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.223 (2) of the statutes is created to read:

15.223 (2) DIVISION OF REEMPLOYMENT ASSISTANCE. There is created in the department of workforce development a division of reemployment assistance.

SECTION 2. 20.445 (1) (aL) of the statutes is amended to read:

20.445 (1) (aL) *Unemployment insurance Reemployment assistance administration; controlled substances testing and substance abuse treatment.* Biennially, the amounts in the schedule for conducting screenings of applicants, testing applicants for controlled substances, the provision of substance abuse treatment to applicants and claimants, and related expenses under s. 108.133.

Notwithstanding s. 20.001 (3) (b), the unencumbered balance on June 30 of each odd-numbered year shall be transferred to the ~~unemployment~~ reemployment assistance program integrity fund.

SECTION 3. 20.445 (1) (gd) of the statutes is amended to read:

20.445 (1) (gd) *Unemployment Reemployment assistance: interest and penalty payments.* All moneys received as interest and penalties collected under ss. 108.04 (11) (c) and (cm) and (13) (c) and 108.22 except interest and penalties deposited under s. 108.19 (1q), and forfeitures under s. 103.05 (5), all moneys not appropriated under par. (gg) and all moneys transferred to this appropriation account from the appropriation account under par. (gh) for the payment of benefits specified in s. 108.07 (5) and 1987 Wisconsin Act 38, section 132 (1)

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(c), for the payment of interest to employers under s. 108.17 (3m), for research relating to the condition of the unemployment reserve fund under s. 108.14 (6), for administration of the ~~unemployment insurance~~ reemployment assistance program and federal or state ~~unemployment insurance~~ reemployment assistance programs authorized by the governor under s. 16.54, for satisfaction of any federal audit exception concerning a payment from the unemployment reserve fund or any federal aid disallowance concerning the ~~unemployment insurance~~ reemployment assistance program, for assistance to the department of justice in the enforcement of ch. 108, for the payment of interest due on advances from the federal unemployment account under title XII of the social security act to the unemployment reserve fund, and for payments made to the unemployment reserve fund to obtain a lower interest rate or deferral of interest payments on these advances, except as otherwise provided in s. 108.20.

SECTION 4. 20.445 (1) (nd) of the statutes is amended to read:

20.445 (1) (nd) *Unemployment Reemployment assistance administration; apprenticeship and other employment services.* From the moneys received from the federal government under section 903 (d) of the federal Social Security Act, as amended, the amounts in the schedule, as authorized by the governor under s. 16.54, to be used for administration by the department of apprenticeship programs under subch. I of ch. 106 and for administration and service delivery of employment and workforce information services, including the delivery of reemployment assistance services to ~~unemployment insurance~~ reemployment assistance claimants. All moneys transferred from par. (n) for this purpose shall be credited to this appropriation account. No moneys may be expended from this appropriation unless the treasurer of the unemployment reserve fund determines that such expenditure is currently needed for the purposes specified in this paragraph.

SECTION 5. 40.02 (22) (b) 3. of the statutes is amended to read:

40.02 (22) (b) 3. Unemployment insurance or reemployment assistance benefits.

SECTION 6. 40.65 (5) (b) 2. of the statutes is amended to read:

40.65 (5) (b) 2. Any unemployment insurance or reemployment assistance benefit payable to the participant because of his or her work record.

SECTION 7. 49.147 (3) (ac) 2. of the statutes is amended to read:

49.147 (3) (ac) 2. State and federal ~~unemployment~~ reemployment assistance contributions or federal unemployment taxes.

SECTION 8. 49.163 (3) (a) 3. c. of the statutes is amended to read:

49.163 (3) (a) 3. c. State reemployment assistance contributions and federal unemployment insurance ~~contributions or taxes~~, if any.

SECTION 9. 71.67 (7) (title) of the statutes is amended to read:

71.67 (7) (title) WITHHOLDING FROM UNEMPLOYMENT COMPENSATION-INSURANCE REEMPLOYMENT ASSISTANCE.

SECTION 10. 105.01 (1) (b) 1. of the statutes is amended to read:

105.01 (1) (b) 1. The person employing the individuals in addition to wages or salaries pays federal social security taxes, state reemployment assistance contributions, and federal unemployment ~~contributions or taxes~~, carries worker's compensation insurance as required by state law, and maintains liability insurance covering the acts of its employees while rendering services to, for or under the direction of a 3rd person; and

SECTION 11. 105.115 (2) (b) of the statutes is amended to read:

105.115 (2) (b) A statement of the employment status of the home care worker, specifically, whether the home care worker is an employee of the home care placement agency or of the home care consumer or is an independent contractor and a statement identifying which party is responsible for paying the wages or salary of the home care worker, paying federal social security taxes and state reemployment assistance contributions and federal unemployment ~~contributions or taxes~~ with respect to the home care worker, and procuring worker's compensation or liability insurance covering injury to the home care worker.

SECTION 12. 105.115 (2) (c) of the statutes is amended to read:

105.115 (2) (c) A statement that, notwithstanding the employment status of the home care worker specified in the notice, the home care consumer may be determined to be the employer of the home care worker for purposes of certain state and federal labor laws and that, if that is the case, the home care consumer may be held responsible for paying the wages or salary of the home care worker, paying federal social security taxes and state reemployment assistance contributions and federal unemployment ~~contributions or taxes~~ with respect to the home care worker, procuring worker's compensation or liability insurance covering injury to the home care worker, and complying with various other state and federal labor laws.

SECTION 13. 105.115 (3) (a) 1. of the statutes is amended to read:

105.115 (3) (a) 1. A statement identifying which party is responsible for paying the wages or salary of the home care worker, paying federal social security taxes and state reemployment assistance contributions and federal unemployment ~~contributions or taxes~~ with respect to the home care worker, and procuring worker's compen-

sation or liability insurance covering injury to the home care worker.

SECTION 14. 105.115 (4) (b) 1. of the statutes is amended to read:

105.115 (4) (b) 1. If the department finds that a home care placement agency has failed to provide a home care consumer with the notice required under sub. (2) and that the home care consumer is liable for the payment of federal social security taxes or state reemployment assistance contributions or federal unemployment ~~contributions~~ or taxes with respect to the home care worker, for the provision of worker's compensation or liability insurance covering injury to the home care worker, for the payment of any fine or penalty imposed on the home care consumer for noncompliance with any state or federal labor law with respect to the home care worker, or for any injury to the home care worker, the department may recover from the home care placement agency, on behalf of the home care consumer, an amount equal to the total cost of those liabilities.

SECTION 15. 105.115 (4) (b) 3. of the statutes is amended to read:

105.115 (4) (b) 3. In the case of a home care consumer who commences an action in circuit court under par. (a), if the circuit court finds that the home care placement agency has failed to provide the home care consumer with the notice required under sub. (2) and that the home care consumer is liable for the payment of federal social security taxes or state reemployment assistance contributions or federal unemployment ~~contributions~~ or taxes with respect to the home care worker, for the provision of worker's compensation or liability insurance covering injury to the home care worker, for the payment of any fine or penalty imposed on the home care consumer for noncompliance with any state or federal labor law with respect to the home care worker, or for any injury to the home care worker, the court may order the home care placement agency to pay to the home care consumer an amount equal to the total cost of those liabilities, together with costs under ch. 814 and, notwithstanding s. 814.04 (1), reasonable attorney fees.

SECTION 16. 106.11 of the statutes is amended to read:

106.11 Workforce investment programs. The department shall cooperate with the federal government in carrying out the purposes of the federal Workforce Investment Act of 1998, 29 USC 2801 to 2945 Innovation and Opportunity Act of 2014, 29 USC 3101 to 3361. In administering the programs authorized by that act the department shall, in cooperation with other state agencies, with the council on workforce investment established under 29 USC 3111, and with local workforce development boards established under 29 USC ~~2832 3122,~~ establish a statewide workforce investment system to meet the employment, training, and educational needs of persons in this state. If a local workforce development

board anticipates that there may be a business closing or mass layoff under s. 109.07 in the area served by that board, the board may prepare a list of resources available in that area that provide career planning, job search, job skills training, and other support services for affected employees, as defined in s. 109.07 (1) (a), including contact information for those resources, for distribution to those employees under s. 109.07 (1m) (a).

SECTION 17. 106.113 of the statutes is created to read:

106.113 Workforce innovation plan. The department shall submit a combined state plan under 29 USC 3113 that includes the programs listed under 29 USC 3113 (a) (2) (G).

SECTION 18. 106.13 (2) of the statutes is amended to read:

106.13 (2) The council on workforce investment established under 29 USC ~~2824 3111,~~ the technical college system board, and the department of public instruction shall assist the department in providing the youth apprenticeship program under sub. (1).

SECTION 19. 106.28 of the statutes is created to read:

106.28 Grant program for employers who hire long-term unemployed. (1) In this section:

(a) "Period of qualifying employment" means employment at 30 or more hours per week for 8 weeks, each of which begins on or after September 5, 2021, and ends on or before December 28, 2024.

(b) "Qualifying employee" means an employee who satisfies all of the following:

1. The individual was a qualified long-term unemployment recipient, as defined in 26 USC 51 (d) (15).

2. The individual became unemployed due to the COVID-19 pandemic, as determined by the department.

(2) The department shall develop and administer a grant program to provide payments to employing units in this state for hiring qualifying employees, to compensate those employing units for wages, training, benefits, and other employment costs, subject to all of the following:

(a) 1. An employing unit shall be entitled to a first payment under this section for one period of qualifying employment by the employing unit of a qualifying employee.

2. An employing unit shall be entitled to a 2nd payment under this section for 2 nonoverlapping periods of qualifying employment by the employing unit of a qualifying employee.

(b) In order to receive a payment under par. (a) 1. or 2., an employing unit shall submit documentation of the employment of the employee, as required by the department by rule.

(c) Each payment under par. (a) 1. or 2. shall be limited to \$1,000.

(d) An employing unit may receive no more than 2 payments under par. (a) per qualifying employee.

(e) There is no limit to the number of qualifying employees for which an employing unit may receive pay-

ments under this subsection, except that no more than one employing unit may receive payments for employing a given qualifying employee.

(3) Of the moneys the governor accepts from the federal government under s. 16.54 pursuant to section 602 of the federal Social Security Act as amended by the federal American Rescue Plan Act of 2021, P.L. 117-2, the governor shall allocate sufficient moneys for costs associated with the grant program under this section.

(4) The department may use the procedure under s. 227.24 to promulgate rules for the grant program under this section. Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (c) and (2), rules under this subsection may remain in effect until December 31, 2024.

SECTION 20. 106.38 (3) (c) 3. of the statutes is amended to read:

106.38 (3) (c) 3. State reemployment assistance contributions and federal unemployment insurance ~~contributions or~~ taxes, if any.

SECTION 21. Chapter 108 (title) of the statutes is repealed and recreated to read:

CHAPTER 108

REEMPLOYMENT ASSISTANCE

SECTION 22. 108.01 (2m) of the statutes is created to read:

108.01 (2m) The Social Security Act requires that, in order for an individual to be eligible for reemployment assistance benefits, the individual must be able to work, available to work, and actively seeking work. The reemployment assistance program in Wisconsin should enact and focus on policies that complement individuals' efforts to find employment.

SECTION 23. 108.013 of the statutes is created to read:

108.013 Name of program. The program established under this chapter and administered by the department shall be referred to as the "Reemployment Assistance Program," and the benefits available under this chapter shall be referred to as "reemployment assistance benefits."

SECTION 24. 108.02 (21r) of the statutes is created to read:

108.02 (21r) REEMPLOYMENT ASSISTANCE. "Reemployment assistance," when used in reference to the law of another state or jurisdiction or the federal government, includes an unemployment insurance law of that state or jurisdiction or the federal government.

SECTION 25. 108.04 (2) (a) 3. of the statutes is amended to read:

108.04 (2) (a) 3. The claimant conducts a reasonable search for suitable work during that week and provides

verification of that search to the department. The search for suitable work must include at least 4 actions per week that constitute a reasonable search as prescribed by rule of the department. The department shall require, for the 3rd or subsequent week of the claimant's benefit year, that at least 2 actions per week be direct contacts with potential employing units, as prescribed by rule of the department. In addition, the department may, by rule, require a claimant to take more than 4 reasonable work search actions in any week. The department shall require a uniform number of reasonable work search actions for similar types of claimants. The department may require a claimant to apply for one or more of the potential opportunities provided to the claimant under sub. (15) (a) 1. and may refer a claimant to opportunities with a temporary help company as part of the required search for suitable work under this subdivision.

SECTION 26. 108.04 (2) (a) 4. of the statutes is renumbered 108.04 (2) (a) 4. (intro.) and amended to read:

108.04 (2) (a) 4. (intro.) If the claimant is claiming benefits for a week other than an initial week, the claimant provides does all of the following:

a. Provides information or job application materials that are requested by the department and participates.

b. Participates in a public employment office workshop or training program or in similar reemployment services that are required by the department under sub. (15) (a) 2.

SECTION 27. 108.04 (2) (a) 4. c. of the statutes is created to read:

108.04 (2) (a) 4. c. Submits and keeps posted on the department's job center website a current resume, if the claimant resides in this state.

SECTION 28. 108.04 (2) (a) 5. of the statutes is created to read:

108.04 (2) (a) 5. The claimant completes any reemployment counseling session required of the claimant under sub. (15) (ao) 1.

SECTION 29. 108.04 (12) (b) of the statutes is amended to read:

108.04 (12) (b) Any individual who receives, through the department, any other type of unemployment or reemployment assistance benefit or allowance for a given week is ineligible for benefits for that same week under this chapter, except as specifically required for conformity with the federal trade act of 1974 (P.L. 93-618).

SECTION 30. 108.04 (15) (a) (intro.) and 1. of the statutes are consolidated, renumbered 108.04 (15) (a) 1. and amended to read:

108.04 (15) (a) 1. Except as provided in par. (b), the department ~~may do any of the following shall,~~ for the purpose of assisting claimants to find or obtain work: ~~1. Use,~~ use the information ~~or,~~ materials, and resume provided under sub. (2) (a) 4. to assess a claimant's efforts, skills, and ability to find or obtain work and to develop a list of

potential opportunities for ~~a~~ the claimant to obtain suitable work. ~~A claimant who otherwise satisfies the requirement under sub. (2) (a) 3. is not required to apply for any specific positions on the list in order to satisfy that requirement~~ The department shall provide each claimant, prior to the claimant filing a weekly claim for benefits, with at least 4 such potential opportunities each week, one or more of which may be opportunities with a temporary help company.

SECTION 31. 108.04 (15) (a) 2. of the statutes is renumbered 108.04 (15) (a) 2. a. and amended to read:

108.04 (15) (a) 2. a. Require Except as provided in par. (b), the department shall require a claimant whom the department identifies as likely to exhaust regular benefits to participate in a public employment office workshop or training program or in similar reemployment services that do not charge the claimant a participation fee and that offer instruction to improve the claimant's ability to obtain suitable work.

SECTION 32. 108.04 (15) (a) 2. b. of the statutes is created to read:

108.04 (15) (a) 2. b. Except as provided in par. (b), in addition to the claimants described in subd. 2. a., the department may require other claimants to participate in the reemployment services described in subd. 2. a., but the department shall prioritize claimants who are more likely to have difficulty obtaining reemployment.

SECTION 33. 108.04 (15) (am), (an) and (ao) of the statutes are created to read:

108.04 (15) (am) In carrying out this state's program of reemployment services and eligibility assessments using grant funds awarded under 42 USC 506, the department shall, except as provided in par. (b), provide reemployment services to all claimants identified by the department as likely to exhaust regular benefits, including by requiring the claimant to complete an online assessment aimed at identifying the claimant's skills, abilities, and career aptitude.

(an) 1. Notwithstanding par. (am), in carrying out this state's program of reemployment services and eligibility assessments using grant funds awarded under 42 USC 506, the department shall, except as provided in par. (b), provide reemployment services to all claimants receiving benefits, including benefits under ss. 108.141 and 108.142, including by doing all of the following for each such claimant:

a. Requiring the claimant to complete an online assessment aimed at identifying the claimant's skills, abilities, and career aptitude.

b. Coordinating with the claimant to develop an individualized employment plan for the claimant.

c. Requiring the claimant to participate in the services described under par. (a) 2. a. as needed pursuant to the individualized employment plan described in subd. 1. b.

2. Of the moneys the governor accepts from the federal government under s. 16.54 pursuant to section 602 of the federal Social Security Act as amended by the federal American Rescue Plan Act of 2021, P.L. 117-2, the governor shall allocate sufficient moneys so that, when such moneys are combined with grant moneys received and allocated under 42 USC 506, sufficient moneys are allocated to provide the services required under subd. 1.

3. This paragraph does not apply after December 31, 2024.

(ao) Except as provided in par. (b), the department shall, when a claimant's remaining benefit entitlement under s. 108.06 (1) is 3 or less times the claimant's weekly benefit rate under s. 108.05 (1), do all of the following:

1. Require the claimant to participate in a live, one-on-one reemployment counseling session between the claimant and an employee of the department.

2. Provide the claimant information about services and benefits that are available to the claimant pursuant to the federal Workforce Innovation and Opportunity Act of 2014, 29 USC 3101 to 3361, once the claimant exhausts his or her benefit entitlement.

SECTION 34. 108.05 (3) (a) of the statutes is renumbered 108.05 (3) (a) 2. and amended to read:

108.05 (3) (a) 2. Except as provided in pars. (c), (d) and (dm) and s. 108.062, if an eligible employee earns wages in a given week, the first \$30 of the wages up to the amount specified in subd. 3. shall be disregarded and the employee's applicable weekly benefit payment shall be reduced by 67 percent of the remaining amount, except that no such employee is eligible for benefits if the employee's benefit payment would be less than \$5 for any week.

1. For purposes of this paragraph, "wages" includes any salary reduction amounts earned that are not wages and that are deducted from the salary of a claimant by an employer pursuant to a salary reduction agreement under a cafeteria plan, within the meaning of 26 USC 125, and any amount that a claimant would have earned in available work under s. 108.04 (1) (a) which is treated as wages under s. 108.04 (1) (bm), but excludes any amount that a claimant earns for services performed as a volunteer fire fighter, volunteer emergency medical services practitioner, or volunteer emergency medical responder.

4. In applying this paragraph, the department shall disregard discrepancies of less than \$2 between wages reported by employees and employers.

SECTION 35. 108.05 (3) (a) 3. of the statutes is created to read:

108.05 (3) (a) 3. For purposes of subd. 2., the maximum amount of wages that may be disregarded in a given week shall be an amount equal to 40 percent of the employee's weekly benefit rate or \$30, whichever is greater.

SECTION 36. 108.13 (4) (a) 4. of the statutes is renumbered 108.13 (4) (a) 2m. and amended to read:

108.13 (4) (a) 2m. “~~Unemployment insurance~~” “Reemployment assistance” means any compensation payable under this chapter, including amounts payable by the department pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment.

SECTION 37. 108.133 (2) (a) (intro.) of the statutes is amended to read:

108.133 (2) (a) (intro.) ~~Promulgate~~ Immediately promulgate rules to establish the program. The department shall do all of the following in the rules promulgated under this paragraph:

SECTION 38. 108.133 (2) (am) of the statutes is amended to read:

108.133 (2) (am) ~~Promulgate~~ Immediately promulgate rules identifying occupations for which drug testing is regularly conducted in this state. The department shall notify the U.S. department of labor of any rules promulgated under this paragraph.

SECTION 39. 108.14 (1) of the statutes is amended to read:

108.14 (1) This chapter shall be administered by the department through its division of reemployment assistance.

SECTION 40. 108.14 (8o) of the statutes is created to read:

108.14 (8o) The department shall act to continue to receive grants for reemployment services and eligibility assessments under 42 USC 506.

SECTION 41. 108.14 (30) of the statutes is created to read:

108.14 (30) (a) 1. The department shall semiannually compile data and prepare a report to provide information on and analysis of the employment outcomes of claimants after receiving benefits under this chapter.

2. a. Each report under subd. 1. shall be prepared using data obtained from quarterly wage reports filed under s. 108.205 pertaining to all claimants whose data is included in that report as provided in subd. 3.

b. Each report under subd. 1. shall cover the 2 most recent quarters for which data are available, with each of the 2 quarters reported on separately in the report.

3. A claimant’s data shall be used under subd. 2. for each of the 12 quarters following the claimant’s first benefit payment in the claimant’s benefit year.

4. The department shall break out the data in each report under subd. 1. by all of the following:

a. The number of weeks of benefits received. The department may group together claimants who received comparable numbers of weeks of benefits.

b. Regions of the state, using the regions corresponding to those for local workforce development boards established under 29 USC 3122.

(b) The department shall, by March 1 and September 1 of each year, submit the most recent report prepared under par. (a) to the appropriate standing committees of the legislature under s. 13.172 (3).

SECTION 42. 108.141 (1) (b) 3. of the statutes is amended to read:

108.141 (1) (b) 3. Has no right to ~~unemployment reemployment assistance~~ benefits or allowances, as the case may be, under the railroad unemployment insurance act or such other federal laws as are specified in regulations issued by the U.S. secretary of labor, and has not received and is not seeking ~~unemployment~~ reemployment assistance benefits under the ~~unemployment insurance~~ reemployment assistance law of Canada, but if the individual is seeking such benefits and the appropriate agency finally determines that he or she is not entitled to benefits under such law he or she is an exhaustee.

SECTION 43. 108.142 (1) (h) 3. of the statutes is amended to read:

108.142 (1) (h) 3. Has no right to ~~unemployment reemployment assistance~~ benefits or allowances under the railroad unemployment insurance act or such other federal laws as are specified in regulations issued by the U.S. secretary of labor, and has not received and is not seeking ~~unemployment reemployment assistance~~ benefits under the ~~unemployment insurance~~ reemployment assistance law of Canada, but if the individual is seeking such benefits and the appropriate agency finally determines that he or she is not entitled to benefits under that law, the individual is an “exhaustee”.

SECTION 44. 108.19 (1m) of the statutes is amended to read:

108.19 (1m) Each employer subject to this chapter as of the date a rate is established under this subsection shall pay an assessment to the ~~unemployment reemployment assistance~~ interest payment fund at a rate established by the department sufficient to pay interest due on advances from the federal unemployment account under Title XII of the federal social security act, 42 USC 1321 to 1324. The rate established by the department for employers who finance benefits under s. 108.15 (2), 108.151 (2), or 108.152 (1) shall be 75 percent of the rate established for other employers. The amount of any employer’s assessment shall be the product of the rate established for that employer multiplied by the employer’s payroll of the previous calendar year as taken from quarterly employment and wage reports filed by the employer under s. 108.205 (1) or, in the absence of the filing of such reports, estimates made by the department. Each assessment made under this subsection is due within 30 days after the date the department issues the assessment. If the amounts collected from employers under this subsection exceed the amounts needed to pay interest due, the department shall use any excess to pay interest owed in subsequent years on advances from the federal unemployment account. If

the department determines that additional interest obligations are unlikely, the department shall transfer the excess to the balancing account of the fund, the ~~unemployment~~ reemployment assistance program integrity fund, or both in amounts determined by the department.

SECTION 45. 111.39 (4) (c) of the statutes is amended to read:

111.39 (4) (c) If, after hearing, the examiner finds that the respondent has engaged in discrimination, unfair honesty testing or unfair genetic testing, the examiner shall make written findings and order such action by the respondent as will effectuate the purpose of this subchapter, with or without back pay. If the examiner awards any payment to an employee because of a violation of s. 111.321 by an individual employed by the employer, under s. 111.32 (6), the employer of that individual is liable for the payment. If the examiner finds a respondent violated s. 111.322 (2m), the examiner shall award compensation in lieu of reinstatement if requested by all parties and may award compensation in lieu of reinstatement if requested by any party. Compensation in lieu of reinstatement for a violation of s. 111.322 (2m) may not be less than 500 times nor more than 1,000 times the hourly wage of the person discriminated against when the violation occurred. Back pay liability may not accrue from a date more than 2 years prior to the filing of a complaint with the department. Interim earnings or amounts earnable with reasonable diligence by the person discriminated against or subjected to unfair honesty testing or unfair genetic testing shall operate to reduce back pay otherwise allowable. Amounts received by the person discriminated against or subject to the unfair honesty testing or unfair genetic testing as ~~unemployment~~ reemployment assistance benefits or welfare payments shall not reduce the back pay otherwise allowable, but shall be withheld from the person discriminated against or subject to unfair honesty testing or unfair genetic testing and immediately paid to the unemployment reserve fund or, in the case of a welfare payment, to the welfare agency making the payment.

SECTION 46. 230.43 (4) of the statutes is amended to read:

230.43 (4) RIGHTS OF EMPLOYEE. If an employee has been removed, demoted or reclassified, from or in any position or employment in contravention or violation of this subchapter, and has been restored to such position or employment by order of the commission or any court upon review, the employee shall be entitled to compensation therefor from the date of such unlawful removal, demotion or reclassification at the rate to which he or she would have been entitled by law but for such unlawful removal, demotion or reclassification. Interim earnings or amounts earnable with reasonable diligence by the employee shall operate to reduce back pay otherwise allowable. Amounts received by the employee as ~~unemployment~~ reemployment assistance benefits or welfare

payments shall not reduce the back pay otherwise allowable, but shall be withheld from the employee and immediately paid to the unemployment reserve fund or, in the case of a welfare payment, to the welfare agency making such payment. The employee shall be entitled to an order of mandamus to enforce the payment or other provisions of such order.

SECTION 47. 230.85 (3) (d) of the statutes is amended to read:

230.85 (3) (d) Interim earnings or amounts earnable with reasonable diligence by the person subjected to the retaliatory action or threat shall reduce back pay otherwise allowable. Amounts received by the person subjected to the retaliatory action or threat as ~~unemployment~~ reemployment assistance benefits or welfare payments do not reduce the back pay otherwise allowable, but shall be withheld from the person subjected to the retaliatory action or threat and immediately paid to the unemployment reserve fund or to the welfare agency making the payment.

SECTION 48. 779.01 (2) (am) of the statutes is amended to read:

779.01 (2) (am) "Labor" includes any wages and related contributions for state employment taxes, worker's compensation and ~~unemployment compensation insurance~~ reemployment assistance, and other fringe benefits.

SECTION 49. Terminology changes.

(1) UNEMPLOYMENT INSURANCE; TERMINOLOGY CHANGES.

(a) Wherever "unemployment insurance" appears in the following, as affected by the acts of 2021, "reemployment assistance" is substituted: ss. 6.10 (9), 13.63 (1) (b), 15.227 (3), 16.48 (1) (a) (intro.), 1., 2., and 6. and (b), (2), and (3), 19.85 (1) (ee), 20.002 (11) (a), 20.445 (1) (gm), (n), and (ne), 29.024 (2r) (title) and (d) 1., 46.272 (7) (e), 47.035 (1), 48.715 (7), 49.163 (2) (am) 5., 49.19 (4) (dm) 4., 50.498 (title) and (4) (b), 51.032 (title) and (4), 59.40 (2) (e), 59.57 (2) (b), 66.1103 (1) (a), 71.01 (10) (b), 71.05 (6) (b) 47m., 71.26 (1) (h), 71.45 (1) (c), 71.52 (6), 71.67 (7) (a) and (b) 2., 71.80 (16) (a) and (b), 73.0301 (2) (c) 2., 73.09 (8), 93.135 (title) and (4), 101.654 (2) (c), 102.17 (1) (c) 2., 102.28 (7) (b) 2., 102.315 (2m) (d), 103.34 (10) (title), 103.92 (3) and (8) (title), 105.13 (1), 108.02 (15) (c) 1., (dm) 1., (e), (i) 2., and (k) 9., 10., and 19. b., (21) (a) 2. and (b), and (21e) (e), 108.04 (2) (ae), (4) (c), (5) (intro.), (5g) (a), (7) (a) and (L), (8) (a) and (c), (11) (g) 2. d., (12) (c) and (d), and (13) (g) 2., 108.06 (5) (a), 108.065 (3), 108.068 (6), 108.07 (3m) and (5m), 108.13 (2) and (4) (b), (c), (e), and (f), 108.135 (1) (intro.) and (a), 108.14 (5) (a), (ag), and (ar), (6), (7) (a), (8) (a), (8m) (a), (8n) (a) and (b), (8s) (a) and (b), (8t), (9), (13), (14), (18), (19), (23) (b) 1., and (24), 108.141 (1) (h) and (3g) (a) 2., (c), and (d), 108.142 (1) (i), 108.155 (6), 108.16 (5) (b), 108.161 (3) and (3e), 108.162 (1), 108.19 (1e) (d), (1f) (b), (3), and (4), 108.20 (2m), 108.227 (title)

and (2) (c) 2., 115.31 (6m), 116.03 (4), 118.19 (1m) (b), 120.25 (2) (a) and (6), 138.09 (3) (am) 2. and (4) (c), 138.12 (4) (b) 5m. and (5) (am) 1. b. and 3., 138.14 (5) (b) 2m. and (9) (cm), 146.40 (4d) (d), 165.066 (title), 169.35 (title) and (3), 170.12 (8) (b) 1. bm. and 4., 175.46 (5) (a), 202.021 (4) (a) 6., 202.06 (2) (g), 202.23 (2), 217.06 (5m), 217.09 (1t), 218.0116 (1g) (b) and (1m) (a) 2m. and (d), 218.02 (3) (dm), (6) (d), and (9) (a) 1m., 218.04 (4) (am) 2m. and (5) (at), 218.05 (4) (c) 2m., (11) (bm), and (12) (at), 218.11 (6m) (c), 218.12 (3m) (c), 218.22 (3m) (c), 218.32 (3m) (c), 218.41 (3m) (b) 3., 218.51 (4m) (b) 3., 224.44 (title), 224.72 (7m) (bm), 224.725 (6) (bm), 224.77 (2m) (e), 224.95 (1) (bm), 230.26 (4), 238.31 (1) (e) 4. c., 238.397 (2) (a) 4. c., 254.115 (title) and (5), 254.176 (5), 254.20 (7), 256.18 (title) and (4m), 299.07 (title) and (3), 303.08 (3), (4), and (5) (intro.), 341.51 (4m) (c), 343.305 (6) (e) 6., 343.66 (3m), 440.12 (title) and (2), 463.14 (title) and (5), 551.412 (4g) (a) 2m. and (d), 562.05 (5) (a) 11. and (8) (f), 563.285 (title) and (1m), 628.097 (title) and (2m), 628.10 (2) (cm), 628.93 (2), 632.69 (2) (d) 2. and (4) (d), 633.14 (2m) (b), 633.15 (2) (d), 751.155 (title) and (3), 815.18 (13) (j), 859.02 (2) (a), and 949.06 (3) (b).

(b) Wherever “unemployment compensation” appears in the following, as affected by the acts of 2021, “reemployment assistance” is substituted: ss. 49.45 (23b) (a) 2. f., 71.07 (6n) (c) 3., 71.28 (6n) (c) 3., 71.47 (6n) (c) 3., 108.04 (13) (g) 1. b., 108.11 (2), 701.0508 (1) (b) 1., 756.04 (2) (c) 4., and 767.75 (3m) (title).

(c) Wherever “unemployment” appears in the following, as affected by the acts of 2021, “reemployment assistance” is substituted: ss. 20.427 (1) (k) (title), 20.445 (1) (gc) (title), (gg) (title), (gh) (title), (nb) (title), (u), and (v), 25.17 (1) (xe) and (xf), 108.04 (2) (bb) 5., 108.16 (6) (i) and (m) and (6m) (b), 108.19 (title), (1f) (a), (1q), and (1s) (a) (intro.) and 2. and (b), 108.221 (3), 108.225 (4) (b), and 111.15.

SECTION 50. Nonstatutory provisions.

(1) The department of workforce development shall submit a notice to the legislative reference bureau for

publication in the Wisconsin Administrative Register when the department determines that the department has any rules in place that are necessary to implement the treatment of s. 108.04 (2) (a) 3. by this act.

SECTION 51. Initial applicability.

(1) The treatment of s. 108.04 (2) (a) 3. first applies with respect to weeks of unemployment beginning on the effective date of this subsection.

(2) The renumbering and amendment of s. 108.04 (2) (a) 4. and (15) (a) 2., the consolidation, renumbering, and amendment of s. 108.04 (15) (a) (intro.) and 1., and the creation of s. 108.04 (2) (a) 4. c. and 5. and (15) (a) 2. b., (am), (an), and (ao) first apply with respect to weeks of unemployment beginning on the effective date of this subsection.

(3) The renumbering and amendment of s. 108.05 (3) (a) and the creation of s. 108.05 (3) (a) 3. first apply to weeks of unemployment beginning on the effective date of this subsection.

SECTION 52. Effective dates. This act takes effect on July 3, 2022, except as follows:

(1) The treatment of s. 108.04 (2) (a) 3. and SECTION 51 (1) of this act take effect on the Sunday after the notice under SECTION 50 (1) of this act is published in the Wisconsin Administrative Register or on January 2, 2022, whichever occurs first.

(2) The treatment of ss. 106.11, 106.113, 106.13 (2), 106.28, 108.01 (2m), 108.133 (2) (a) (intro.) and (am), and 108.14 (8o) and (30), the renumbering and amendment of s. 108.04 (2) (a) 4. and (15) (a) 2., the consolidation, renumbering, and amendment of s. 108.04 (15) (a) (intro.) and 1., and the creation of s. 108.04 (2) (a) 4. c. and 5. and (15) (a) 2. b., (am), (an), and (ao) and SECTIONS 50 (1) and 51 (2) of this act take effect on the first Sunday after publication.

(3) The renumbering and amendment of s. 108.05 (3) (a), the creation of s. 108.05 (3) (a) 3., and SECTION 51 (3) of this act take effect on the first Sunday that follows the 180th day after publication.